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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

Arizona Corporation Commission

2017 JUN 20 A 10:41

TOM FORESE – Chairman  
BOB BURNS  
DOUG LITTLE  
ANDY TOBIN  
BOYD W. DUNN

DOCKETED

JUN 20 2017

DOCKETED BY

In the matter of:

DOCKET NO. S-20986A-16-0340

JACOB WOHL, a single man,

MATTHEW JOHNSON, a single man,

WOHL CAPITAL INVESTMENT GROUP, LLC, a  
California limited liability company,

NEX CAPITAL MANAGEMENT, LLC, a Delaware  
limited liability company, and

MONTGOMERY ASSETS, INC., a Wyoming  
corporation,

Respondents.

**PROCEDURAL ORDER**  
**(Reschedules Hearing)**

**BY THE COMMISSION:**

On September 27, 2016, the Securities Division (“Division”) of the Arizona Corporation Commission (“Commission”) filed its Temporary Order to Cease and Desist and Notice of Opportunity for Hearing (“Notice”) against Jacob Wohl, a single man, Matthew Johnson, a single man, Wohl Capital Investment Group, LLC, a California limited liability company, NeX Capital Management, LLC, a Delaware limited liability company, and Montgomery Assets, Inc., a Wyoming corporation (collectively “Respondents”), in which the Division alleged violations of A.R.S. §§ 44-1801, *et seq.*, the Arizona Securities Act (“Securities Act”), and A.R.S. §§ 44-3101, *et seq.*, the Investment Management Act (“IM Act”), in connection with the offer and sale of securities in the form of promissory notes, investment contracts and/or loan agreements.

On February 28, 2017, the Division filed its Memorandum and Proposed Order to Cease and Desist, Order for Restitution, and Order for Administrative Penalties (“Proposed Order”).

1 On March 9, 2017, Respondent Wohl sent an email to the Division requesting a hearing.<sup>1</sup>

2 Also on March 9, 2017, the Division filed its Request for Pre-Hearing Conference. The  
3 Division asked that the pre-hearing conference be scheduled to determine whether Respondent Wohl's  
4 request for a hearing should be granted or denied.

5 On March 14, 2017, by Procedural Order, a pre-hearing conference was scheduled to commence  
6 on March 28, 2017.

7 On March 27, 2017, the Division filed an email exchange between the Division and Respondent  
8 Wohl in which Respondent Wohl stated he "will appear at tomorrow's hearing via telephone"  
9 ("Request").

10 Also on March 27, 2017, by Procedural Order, Respondent Wohl's Request was granted.

11 On March 28, 2017, the pre-hearing conference was held as scheduled. The Division appeared  
12 through counsel. Respondent Wohl appeared *pro per* via telephone. Respondent Johnson did not  
13 appear. The Division opposed Respondent Wohl's request for a hearing, and this issue was taken under  
14 advisement. The scheduling of a hearing was discussed in the event the matter proceeds to hearing.  
15 Furthermore, the Division requested that the schedule include a deadline for Respondents to file their  
16 Answers.

17 On March 31, 2017, by Procedural Order, a hearing was scheduled to commence on June 26,  
18 2017.

19 On April 4, 2017, Respondent Johnson sent an email to the Division requesting a hearing.<sup>2</sup>

20 On April 6, 2017, by Procedural Order, the hearing scheduled for June 26, 2017, was affirmed.

21 On May 26, 2017, Respondents filed a letter requesting the hearing be continued to the week  
22 of July 24, 2017, and that the exchange of Witness Lists and Exhibits take place on June 26, 2017.

23 On May 31, 2017, the Division filed a Response to the request for continuance stating it did not  
24 object to continuing the hearing to the week of July 24, 2017, and the deadline for the exchange of  
25 Witness Lists and Exhibits to June 26, 2017. The Division requested that a pre-hearing conference be  
26 set to identify dates agreeable to the Court and all parties.

27 \_\_\_\_\_  
28 <sup>1</sup> The email was also filed in this docket on March 9, 2017.

<sup>2</sup> The email was also filed in this docket on April 4, 2017.

1 On June 5, 2017, by Procedural Order, a pre-hearing conference was scheduled for June 15,  
2 2017.

3 On June 15, 2017, the pre-hearing conference was held as scheduled. The Division appeared  
4 through counsel. Respondents Wohl and Johnson did not appear. The rescheduling of the hearing was  
5 discussed.

6 IT IS THEREFORE ORDERED that **Respondents' Request to Continue Hearing is granted.**

7 IT IS FURTHER ORDERED that **the hearing currently scheduled to commence on June**  
8 **26, 2017, is vacated.**

9 IT IS FURTHER ORDERED that **the hearing is rescheduled to commence on August 7,**  
10 **2017, at 10:00 a.m., at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.**

11 IT IS FURTHER ORDERED that **the parties shall also reserve August 8-11, 2017, for**  
12 **additional days of hearing, if necessary.**

13 IT IS FURTHER ORDERED that **the Division and Respondents shall exchange copies of**  
14 **their Witness Lists and copies of the Exhibits by June 26, 2017,** with courtesy copies provided to  
15 the presiding Administrative Law Judge.

16 IT IS FURTHER ORDERED that **if the parties reach a resolution of the issues raised in the**  
17 **Notice prior to the hearing, the Division shall file a Motion to Vacate the Proceeding.**

18 IT IS FURTHER ORDERED that each party or prospective party shall **refer to the Procedural**  
19 **Order Regarding Consent to Email Service** issued in this matter on **March 14, 2017,** for additional  
20 information regarding the process to consent to service by email. Information regarding Consent to  
21 Email Service is also available on the Commission's website ([www.azcc.gov](http://www.azcc.gov)) by clicking on "Email  
22 Service Consent."

23 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules  
24 31, 38, 39, and 42 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

25 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized  
26 Communications) applies to this proceeding and shall remain in effect until the Commission's Decision  
27 in this matter is final and non-appealable.

1 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or  
2 waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at  
3 hearing.

4 DATED this 20 day of June, 2017.

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7 BRIAN D. SCHNEIDER  
8 ADMINISTRATIVE LAW JUDGE  
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1 On this 20<sup>th</sup> day of June, 2017, the foregoing document was filed with Docket Control as a Procedural  
2 Order – Reschedules a Hearing, and copies of the foregoing were mailed on behalf of the Hearing  
3 Division to the following who have not consented to email service. On this date or as soon as possible  
thereafter, the Commission's eDocket program will automatically email a link to the foregoing to the  
following who have consented to email service.

4 Jacob Wohl  
1987 Crystal Downs Dr.  
5 Corona, CA 92883

6 Matthew Johnson  
730 W. Doran St.  
7 Apt. 207  
8 Glendale, CA 91203

9 Matthew Neubert, Director  
Securities Division  
10 ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007  
11 [SecDivServicebyEmail@azcc.gov](mailto:SecDivServicebyEmail@azcc.gov)

12 **Consented to Service by Email**

13 COASH & COASH, INC.  
Court Reporting, Video and  
14 Videoconferencing  
1802 North 7<sup>th</sup> Street  
Phoenix, AZ 85006  
15 **Not a party, mailed as a courtesy**

16  
17 By:   
18 Rebecca Tallman  
Assistant to Brian D. Schneider  
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